

REQUEST FOR CHANGE TO AGENDA CONFERENCE
HAND DELIVER

Date of Request: 02/14/03 Date of Agenda Conference: February 18, 2003 Item No. 11

Docket No.: 020664-TI & 021089-TI Brief Title: bigredwire.com, Inc. - Settlement proposal for violation of Rule Nos. 25-24.470 and 25-4.043, F.A.C, and application for an IXC certificate.

Requested by: Staff Other bigredwire.com, Inc. (Name)

Please attach a copy of the written documentation filed (if other) _____

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

ACTION REQUESTED [see APM 2.11]

- Defer Item to Agenda Scheduled Date: March 18, 2003
- Change Order of Item or Take Up at Time Certain
- Withdraw Item
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**
- Add Item to Published Agenda [see Section 120.525(2), F.S.] - Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] - Issue an ADDENDUM and Give Fair NOTICE

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Concise explanation, justification or comments (attach additional sheet if necessary):
On February 13, 2003, Bigredwire.com, Inc. submitted its fourth revised settlement proposal to resolve the apparent rule violations in Docket No. 020664-TI. In its proposal, the company requested that Item 11 be deferred from the February 18, 2003 Agenda Conference.

Sandy 1 to each docket
Rose
Blanca
021089-TI: [Signature]

Signature (OPR Staff): [Signature] Initials (OPR Division Director or Designee): [Signature]

Signature (Legal Staff): [Signature] Initials (Legal Division Director or Designee): [Signature]

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office Approve Request Deny Request
Initials: [Signature] Date: 2/14/03

Comments:

CHAIRMAN'S OFFICE:

Initials: [Signature] Date: 2/14/03

Executive Suite will send the original to the Division of Commission Clerk and Administrative Services and return a copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPK & OCR) and Attorney assigned to the docket.

DOCUMENT NUMBER DATE

01536 FEB 14 03

FPSC-COMMISSION CLERK



Date *February 13, 2003*

Number of pages including this cover sheet *4*

TO: *Dale R. Buys*

RE:

Phone
Facsimile *850 413 6537*

FROM: *bigredwire.com, Inc.*
Brad Weinstock

Phone *+1 805 560 8900 x10*
Facsimile *+1 805 560 8901*
E-mail *bweinstock@bigredwire.com*

CC:

REMARKS: *Urgent* *For your review* *Reply ASAP* *Please Comment*

February 13, 2002

Director
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: Docket No. 020664-TI
Order No. PSC-02-1285-PAA-TI
Issued: September 20, 2002
Fourth Revised Settlement Proposal

To Whom It May Concern:

On September 26, 2002, bigredwire.com, Inc. (hereinafter referred to as "bigredwire") received Notice of Proposed Agency Action Order Imposing Penalties from the Florida Public Service Commission on the above referenced Docket and Order Number.

The above referenced docket was opened to address bigredwire's alleged violation of Rule Nos. 25-24.470 and 25-4.043, Florida Administrative Code.

bigredwire responds to the alleged violation of Rule Nos. 25-24.470 and 25-4.043, Florida Administrative Code as follows:

Rule No. 25-24.470

bigredwire does not dispute the fact that it has not obtained a certificate of public convenience and necessity from the commission. Instead, bigredwire wishes to settle this rule violation in an amicable fashion by proposing make a payment in the amount of \$5,000 to the State of Florida General Revenue Fund and submission of an Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida by the close of business on October 25, 2002.

Rule No. 25-4.043

bigredwire proposes to settle the alleged violation of Rule 25-4.043, Florida Administrative Code, by

- (1) providing the statement (see Attachment A) of the actions bigredwire has taken to remedy the problems causing its failure to respond to Commission staff inquiries;
- (2) providing the attached statement that the company will comply with all Commission rules in the future;
- (3) providing the attached statement that the company has established procedures and processes to handle all Florida customer complaints in accordance with Commission rules; and
- (4) offering to make a contribution to the State of Florida General Revenue Fund in the amount of \$2,500.

All correspondence pertaining to this matter should be addressed to:
bigredwire.com, Inc.
25 East Mason Street
Third Floor
Santa Barbara, CA 93101
Attn: Brad Weinstock, President
805 560 8900 x10
805 560 8901 facsimile
bweinstock@bigredwire.com

bigredwire's substantial interests will be seriously affected by the agency's current determination. We are a small company with limited resources. With our staff of 7 our mission is to provide a quality service and customer experience at prices that are among the lowest in the industry. We strive to create relationships with our customers based on value, quality, truth and fun. Penalties under the current determination will likely force us to cease and desist providing service in the State of Florida. In light of the foregoing and the Commission's denial of our proposed settlement offer dated 12/18/02, the penalties proposed above totaling \$7,500 shall be paid in 12 equal monthly installments of \$625.

We also request that this matter be postponed from the Agenda Conference on February 18, 2003.

Thank you in advance for you consideration in this matter.

Very truly yours,



Brad Weinstock
President

Attachment A

bigredwire has taken the following steps to remedy the problems causing its failure to respond to Commission staff inquiries:

bigredwire has dedicated Crystal Ramirez as point person for future staff inquiries. Ms. Ramirez can be reached via electronic mail at cramirez@bigredwire.com. Escalation of Commission staff inquiries shall be directed to Brad Weinstock at bweinstock@bigredwire.com or via telephone on 805 560 8900 x10.

bigredwire takes regulatory matters in all states it operates in including Florida seriously. It will comply with all Commission rules in the future.

bigredwire has established procedures and processes to handle all Florida customer complaints in accordance with Commission rules. Customer inquiries can be resolved via electronic mail at memberservice@bigredwire.com or via live chat on the bigredwire web-site. If a customer's complaint cannot be resolved through one of these means, they will be referred to Crystal Ramirez as the point person for Customer escalation. Slamming complaints and service inquiries can be made via bigredwire's toll free number (866) RED WIRE - (866) 733 9473.